

REMARKS

Claims 68-75 and 116-120 were previously pending in this application. By this response, Applicant amends claim 120. As a result, claims 69-75 and 116-120 are pending for examination with claims 68 and 73 being independent claims. No new matter added.

Claim 68 is Patentable

Claim 68-72, 116, 119, and 119-120 stand rejected as being anticipated, or in the alternative, as being obvious over Schweizer (US 3,842,840). Claims 71 and 117-118 stand rejected as being obvious over Schweizer.

In the Office Action it is stated that Schwiezer does not disclose whether the tube portion of the device is cylindrical or not, but that it would have been obvious to form the tube portion of Schweizer as cylindrical. Applicant respectfully points out that none of the claims recite or require a cylindrical tube portion.

Claim 68 recites a suture wire supply cartridge that comprises, among other features, an elongated suture wire guide defining a guide pathway for delivering the suture wire from the cartridge. The guide pathway has a proximal portion that includes drive openings and a distal portion that includes a tube with delivery opening. Opposed side portions of the suture wire are exposed near the drive openings such that at least a portion of the drive mechanism contacts the opposed side portions of the suture wire when the cartridge is in the suturing instrument so that actuation of the drive mechanism draws suture wire from the holder and pushes the suture wire forward of the drive openings along the guide pathway through the tube and through the delivery opening.

It appears that the Office Action, as best understood by the Applicant, suggests that the cartridge of Schweizer could be used in reverse (Applicant notes that the annotated figure in the Office Action indicates that the distal direction is pointing toward bobbin 52 from jaw elements 14, 26). Such an arrangement would however lack a guide pathway that has a distal portion that includes a tube with a delivery opening, among other features recited by claim 68. It appears that the Office Action suggests that feature 50 of Schweizer, as annotated in the figure included in the Office Action, is a drive opening. Application respectfully points out that that feature 50 is not a

hole or opening, but rather a recess that is used to hold the cartridge to the upper jaw assembly of the suturing device. (See generally column 2, lines 50-52).

For at least the above reasons, Applicant respectfully submits that claim 68 is patentable over Schweizer. Claims 69-72, 116, 119, and 117-120 are patentable for at least the same reasons as claim 68, from which they depend. Accordingly, withdrawal of these rejections is respectfully requested.

Claim 73 is Patentable

Claim 73-75 stand rejected as being anticipated, or in the alternative, as being obvious over Schweizer (US 3,842,840). Claims 73-74, stand rejected as being obvious over Schweizer.

Applicant respectfully points out that nowhere in the Office Action are any details of the rejection of claim 73 under 35 USC §102(b) or 35 USC § 103(a) provided. Moreover, it is conceded in the Office Action, as best understood by the Applicant, that Schweizer fails to teach or disclose a guide tube, as recited by claim 73. For purposes of this response, Applicant is treating the rejection of claim 73 as solely a rejection under 35 USC § 103(a).

Applicant respectfully points out that no features of Schweizer would appear to correspond to a guide tube support, as recited by claim 73. Additionally points out that, contrary to that suggested in the Office Action, the guide tube conforming closely to the suture wire may prevent buckling of suture wire pushed therethrough, as was discussed during prior interviews, such that the change to Schweizer, suggested in the Office Action is more than merely a matter of design choice.

For at least the above reasons, Applicant respectfully submits that claim 73 is patentable over Schweizer. Claims 74 and 75 are patentable for at least the same reasons as claim 73, from which they depend. Accordingly, withdrawal of these rejections is respectfully requested.


Claim 120 is Amended to Provide Antecedent Basis

Claim stands rejected under 35 USC §112 for insufficient antecedent basis for the limitation "the distal opening". Applicant amends claim 120 to instead recite "delivery opening" thereby providing proper antecedent basis, overcoming this rejection. Accordingly, withdrawal of the rejection is respectfully requested.

Applicant believes the pending application is in condition for allowance. Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 23/2825 under Docket No. D0188.70162US01 from which the undersigned is authorized to draw.

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Respectfully submitted,

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